

NOT FOR PUBLICATION

DEC 27 2004

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

IRMA WAHJUDI SHALIMAR; ET AL.,

Petitioners,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 03-73178

Agency Nos. A77-813-691

A77-813-692

A77-813-693

A77-813-694

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted December 8, 2004
Seattle, Washington

Before: HAWKINS, THOMAS, and McKEOWN, Circuit Judges.

Petitioners Irma Shalimar Wahjudi and Hendra, Caesar, and Chrysta Wahjudi (the “Wahjudis”) petition for review of the Board of Immigration Appeals’ summary affirmance of an Immigration Judge’s denial of their applications for asylum, withholding of removal, and relief under the Convention Against Torture.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

We do not have jurisdiction to review the merits of the Wahjudis' case because their petition was untimely filed, see 8 U.S.C. § 1252(b), and the circumstances do not rise to the level of "unique circumstances" under which "the late notice may be deemed to have been constructively filed within the jurisdictional time limits."

Hernandez-Rivera v. INS, 630 F.2d 1352, 1355 (9th Cir. 1980).

PETITION FOR REVIEW DISMISSED.